

TO REGULATE PRICE OF MILK

THE ATTORNEY-GENERAL URGES DRASTIC LEGISLATION.

He Finds That in This City There is an
Effect a Combination Which Fixes the
Price at Which the Producer is
Obliged to Sell Milk in This Market.

ALBANY, April 25.—Drastic legislation is recommended to regulate the price of milk in the report submitted to the Legislature to-night by Attorney-General Edward R. O'Malley as a result of his investigation of the so-called milk trust operating in New York city.

The report calls attention to the general subject of the anti-monopoly laws. To a great extent these statutes have not brought the relief hoped for, because they are evaded by so-called "gentlemen's agreements."

The Attorney-General recommends the continuance of the anti-monopoly laws, but says the State must now go further. "It must regulate the price, or at least the profits, which middlemen and dealers may charge for articles of common necessity. Milk or any other article of common necessity can be handled at less expense in large quantities. This can only be done by some kind of organization or community of effort. The evil therefore is not so much the organization as the abuse which this organization produces."

The Attorney-General divides the findings and summarizes the testimony to support them under four headings, as follows:

1. That there exists in New York city a condition which in effect is a combination which fixes the price at which the producer is obliged to sell milk in the metropolitan market and that the producer has no voice in determining what that price is.

The report reviews the history of the litigation brought by the State in 1891 against the Milk Exchange, in which a judgment was entered in the county of Broome in 1895 dissolving the corporation and annulling its charter on the ground that it was a combination to limit and lessen the supply of milk in the State of New York. That six months later, after the judgment of dissolution had been entered, the Consolidated Milk Exchange was organized under the laws of the State of New Jersey and carried on a similar business to that conducted by the Milk Exchange formerly, and some of the original incorporators of the Milk Exchange were also the original incorporators of the Consolidated Milk Exchange. That the latter company was permitted by the Secretary of State to conduct business in this State, which it did at 8 Harrison street, the original office of the Milk Exchange. That the said Consolidated Milk Exchange through its committee on values monthly fixed the price or "value" which it would pay for the succeeding month; that Borden's Condensed Milk Company, the largest milk dealer in New York city, every six months arbitrarily fixed the price to the producer for the ensuing six months and that the Sheffield Farms-Slawson-Becker Company did the same thing. That these prices on an average the year around were substantially the same and that all the dealers in milk in New York city bought milk at these prices.

2. That these prices paid to the producers were unreasonable and unprofitable. The report shows that the average price paid to the producer for the years 1908 and 1909 was from 3-13 to 3-15 cents a quart and that the average cost of production during the same period was 3-15 cents a quart, so the producer was getting about what it cost him to produce. He was obliged to accept these prices if he sold his milk in the New York market or else take the chance of sending his shipments to unknown and often times irresponsible dealers, running the chance of losing his whole shipment. As a result of this condition there have been many dairy farms abandoned in the State of New York.

3. That although there was no legal evidence adduced showing a combination or agreement to advance the price of milk on November 1, 1909, some kind of an arrangement, "gentlemen's agreement" or otherwise, was made to a moral certainty. The report shows that there had been some consultation among dealers as to the advisability and necessity for raising the price of milk prior to November 1, 1909, but the witnesses and dealers called denied that any agreement was made. The report points out the difficulty of proving the existence of an agreement under such circumstances, as the only ones who know of it are the dealers themselves, and the impossibility of proving the existence of what is commonly called the "gentlemen's agreement."

The report further shows that the explanation made by the dealers that the rise in the price of milk from 8 to 9 cents a quart was necessary was not proven because (a) the producers were not in a position to demand a raise in the price of milk from the dealers and (b) only one-quarter of the cent increase was paid to the farmer, the other three-quarters of the cent raise was retained by the dealers.

4. That the rise in the price of bottled milk from 8 to 9 cents a quart on November 1, 1909, was not justified. The report shows that while individual smaller dealers do not make exorbitant prices by reason of the raise the evidence showed that two of the corporations which were the largest dealers in New York city made enormous profits on the sale of milk and milk products. According to Mr. Scudder, the expert accountant, the Borden Condensed Milk Company showed net profit on fluid milk for the nine months ended September 30, 1909, of \$779,477.32, an increase of \$109,553.12 over the preceding year. The capital stock of this company was \$35,000,000, of which \$15,000,000 was issued for trade marks, patents and good will. A 5 per cent dividend on the common stock of this company has been paid nearly every year for ten years and at the same time a surplus created of about \$6,000,000.

The Sheffield Farms-Slawson-Becker Company was organized about eight years ago with a capital stock of \$20,000,000, of which \$10,000,000 was issued for trade marks, patents and good will. A 5 per cent dividend on the common stock of this company has been paid nearly every year for ten years and at the same time a surplus created of about \$6,000,000.

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EGGENTRIC HAVEMEYER DEAD

FREDERICK C. TOOK LIFE EASY WHEN HIS MONEY CAME.

Lived to Be 78 Was Known as 'the
Angel' by Many a 'Chorus' Collected
'Checks and One That He Would on
Sunday Was Still Six Days to Run.

Frederick Christian Havemeyer, eldest child in the family of which Henry O. Havemeyer, the sugar trust head, was the seventh, died yesterday morning in a flat at 135 West Eighty-fourth street, where he had lived apart from his relatives for eighteen years. He was 78 years old.

Unlike his three active brothers—Henry O., Theodore A., and Thomas J.—this eldest son of the second Frederick Christian Havemeyer was no financier. His business career terminated while he was still a young man. He was a patron of many things. Music was always in the foreground of his life and the stage was an obsession with him.

More than half a century ago the sugar establishment of the Havemeyers was in Vandam street. As the sons of the firm's head grew up they went to work as clerks in the house and in the sake of convenience they had quarters in a building next to the business place. It was while the eldest son still occupied a stool that he joined the old volunteer fire department. He ran with the Amity Hose.

As a boy he went to a French boarding school in St. Marks place and saved the small allowance at his disposal to exchange for a seat in Burton's Theatre in Chambers street. When more money was in his hands in later days he began to attend concerts and oratorios and benefits. For forty years he was a member of the Philharmonic Society and he was a life member of the Arion and Manuscript societies. For a short time he was enlisted with the Seventy-first Regiment and he saw some service in the civil war.

His wife died about forty years ago and they had one son and two daughters. His wife died about forty years ago and they had one son and two daughters. His wife died about forty years ago and they had one son and two daughters.

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KILLED IN CIRCUS TENT FALL.

Canvas of Show in Jersey City Collapses in Storm.

A circus tent of the Frank A. Robbins show collapsed early this morning in a thunderstorm and one man was killed and another injured. The tent was at Bldweld and Ocean avenues, Jersey City.

It wasn't known whether the animals of the menagerie were liberated or not, but it was conjectured that the cages had withstood the test of the falling poles and canvas.

The collapse was doubtless caused by a high wind which accompanied the deluge. The poles and guy ropes couldn't withstand the pull of the wind and the weight of the wet canvas.

One of the men employed by the show was struck by a falling pole and was instantly killed. His body was taken to the Jersey city morgue. It is probable that he was stricken as he slept.

Another employee of the circus was struck by a spar and was seriously injured that he was taken to the hospital. The Robbins circus is one of the lesser shows which tour the country, beginning in one of the larger cities and following a circuit of middle sized towns.

Frank A. Robbins went into bankruptcy eight years ago, but his show started up again.

MRS. HAMMERSTEIN FREED.
Helen Court Grants Divorce and Maiden
Name to Arthur's Wife.

RENO, Nev., April 25.—"He told me that he did not love me any more and that he was not going to live with me any longer," said Mrs. Arthur Hammerstein this afternoon in Judge Pike's court when after several hitches the hearing of her suit for divorce came up.

Mrs. Hammerstein asked the Court not to make any order respecting the custody of their daughter as her welfare would be better conserved if both parents had equal jurisdiction. The Court granted permission to resume her maiden name Jean Kent Allison.

ALL DELEGATES FOR TAGGART.
Wins Easily in Indianapolis and Will Control
State Convention.

INDIANAPOLIS, April 25.—Tom Taggart carried every ward in the primaries in this city to-night, but the methods adopted are being roundly denounced by many leading Democrats, and even some of his supporters are making apology for him and explaining that he is not responsible.

In the Third ward the anti-Taggart men could not get representation on the election board, and when they reached the polling place they found that George Ray, an ex-convict, had been appointed inspector. They protested against such a man acting in that capacity, but were howled down. The anti withdrew in a body and refused to vote.

In the Fourth ward the Taggart men took possession of the polls and but few of the anti were permitted to vote. In the Eighth ward the same tactics were resorted to and the anti opened a polling place, chose an election board and cast their votes for the slate.

The men chosen at the Taggart polls received the regular certificates of election and the anti will carry a contest to the State convention. In all of the wards the Taggart following was very aggressive and carried things with a high hand. In the country precincts there was little strife, but the Taggart organization was so perfect that it secured all the delegates. Hundreds of Democratic politicians from all parts of Indiana are here to-night and many of the delegates to the Democratic State convention, which meets on Wednesday, are here working for candidates.

WATERLOO FOR ZEPPELIN SHIP

WRECK OF AERIAL MONSTER REVIVES HOSTILE CRITICISM.

Flter Was Solidly Anchored, but Cable
Snapped Like Thread When Wind
Hit Her Soldiers Hurt Two Com-
bustion for War British Mischief Also.

Special Cable Despatches to THE SUN.
BERLIN, April 25.—The great airship Zeppelin II, while at anchor on the return voyage from Homburg to Cologne to-day was partly wrecked at Weilburg.

The Zeppelin II, was lying at anchor at Jamburg while on the way back to Cologne from the review by the Kaiser at Homburg when it broke loose during a heavy gale. The wind tore the airship from the grasp of 300 soldiers and it descended at Weilburg, thirteen miles away.

It came down so as to hang partly on the roof of a hotel and partly on high trees. There was only one occupant when the airship soared, and he was terribly injured when the airship fell, striking with great violence. The after part of the craft was completely wrecked. It was only about fifteen minutes from the time the airship broke free to the time it struck in Weilburg.

The latest details of the disaster illustrate the tremendous effect of high winds on aerial monsters. The Zeppelin's bow was anchored to wagons loaded with bags of sand and buried in the ground so that it was believed that no wind could harm the ship.

When the gale struck the Zeppelin, however, the cables snapped like pack threads and the stern was wrenched from the hold of the soldiers and hung in a mere handful of children. They were buried aside or dropped, and as the machine suddenly soared several were severely hurt. There was no one on board the machine at the time, a fortunate circumstance, as the ship is almost a complete wreck.

The Zeppelin II is a sister ship to the dirigible destroyed by lightning at Echterdingen in August, 1908.

The disaster has reawakened criticisms of this type of flying machine, and the opinion is widely held that its fate has been definitely sealed. It is said that the Government was virtually compelled by popular clamor to buy two of these airships against the opinion of military aeronauts, who were convinced throughout the war that the Gross-Parasol type was superior owing to the less cost of manufacture and the greater ease with which it could be packed and transported.

LONDON, April 25.—The British army airships seem to be most unlucky. At Farnborough to-day the latest one constructed was taken out for a trial during a gale and immediately turned turtle. The framework of the machine was wrecked.

SIR W. VAN HORNE RETIRES.
Resigns as President of C. P. R. Directors,
but Keeps Seat in Board.

MONTREAL, April 24.—Sir William Van Horne has resigned as chairman of the board of directors of the Canadian Pacific Railway Company, a place he has held since 1908. He will remain a director of the company.

Sir William Van Horne first became identified with the Canadian Pacific Railway in 1881, and was made vice-president and general manager in 1884. In 1888 he was elected president to succeed Lord Mount Stephen and held the position until 1908.

He then retired and was succeeded as president by Sir Thomas Shaughnessy.

\$30,000 RACE IN THE AIR.
Paulhan and White and Du Bonnet to Try
London-Manchester Race.

Special Cable Despatches to THE SUN.
LONDON, April 25.—Louis Paulhan, the French aviator, has formally notified the Aero Club that he will compete for the Daily Mail prize of \$50,000 for a flight from London to Manchester. The conditions of the contest allow twenty-four hours in which to cover the distance of 160 miles. Two stops on the way are allowed. Paulhan will start on Wednesday.

It is announced that the French aviator Du Bonnet will try on May 5 to fly by aeroplane from London to Manchester in an effort to capture the Daily Mail's prize of \$50,000 if the feat has not been accomplished before the date.

It is probable that Graham White, the English aviator, who made 115 miles of the distance on Saturday before he was compelled by the high wind to abandon the attempt, will make another trial on the same day that Paulhan starts if the repairs to his machine are completed in time.

FIGHT TICKET FOR ROOSEVELT.

It Will Be of Solid Gold and Will Pass Him to Jefferson-Johnson Battle.

DRIVER, April 25.—The first ticket for the fight between Jim Jeffries and Jack Johnson at San Francisco on July 4 will be presented to Theodore Roosevelt on his arrival in New York.

This statement was made to-day by Jack Gleason while in Denver on his way to the Coast. The ticket will be made of solid gold and appropriately engraved.

CINCINNATI, April 25.—A national movement against the Jeffries-Johnson prize fight was inaugurated by the Methodist ministers of Cincinnati at their meeting to-day. Churches all over the country will be asked to appeal to the Governor of California to stop the fight.

ANALYZING THE COMET.
Spectrum Tells Mount Wilson Scientists
What It Is Made Of.

PARADISE, Cal., April 25.—Halley's comet is now plainly visible from the summit of Mount Wilson.

Prof. Adams, who has charge of making the observation, said to-day that the spectrum showed the head of the comet to be surrounded by cyanogen gas. The tail is composed of hydrocarbon gas. In some parts one gas prevails while elsewhere the other is predominant.

Preparations are making on Mount Wilson for observing the expected electrification of the earth's atmosphere on May 18, when the comet will cross the sun and the earth will pass through the tail of the comet.

MISSING PRINCETON STUDENT.
Lake to Be Drugged for D'Alva if He
Doesn't Show Up To-morrow.

PRINCETON, N. J., April 25.—The authorities of the Princeton Theological Seminary and the friends of Lynden C. D'Alva, the student who disappeared from here yesterday, are of the opinion that he has not committed suicide. On the back of the envelope which he left on his table addressed to Alexander Mackie, a close friend, and in which he left his money and keys was written: "To pay whatever I owe. Why are you not here? I am overcome and must die."

This is not the first time that D'Alva has run away. If nothing is heard of him by Wednesday Lake Carnegie will be dragged.

FLYING DUST NUISANCE.
Street Commissioner Edwards Confers
With Aldermen's Finance Committee.

Street Commissioner Edwards was in conference yesterday with the Finance Committee of the Board of Aldermen in his effort to secure an appropriation of \$15,000 for experiments as to methods for removing the flying dust nuisance. Two plans are to be tried. One is to have auto trucks transfer the cans full from the houses to the waterfront dumping places. It is not yet determined whether the city or the householders will furnish the cans. The other plan is a dustless cover for canvas with portholes.

The Finance Committee will report within a week to the board.

POLICEMAN AGED 75 RETIRES.
Patrolman Phillips of the City Hall
Joined the Force in 1865.

Patrolman George A. Phillips, who has for years been doing duty in the corridors of the City Hall and who asserts that he is No. 2 in point of years of service on the roster of the force, has been retired on half pay. He had a painful fall about a week ago. He was born in 1835 and served in the navy the greater part of the civil war. He was appointed a policeman in 1865. Four years later he resigned, but in 1872 he was reinstated. He has been on duty in the City Hall since 1897. About a year ago Commissioner Bingham ordered him to patrol work, but at the request of the reporters assigned to the City Hall he was restored to his old job next day.

CANCELS "POIA" PERFORMANCES.
Anti-American Clique Triumphs in Berlin
—Roosevelt May Hear It.

Special Cable Despatches to THE SUN.
BERLIN, April 25.—There seems to be in this city a hostility to foreign artists of all descriptions, and there has been no better evidence of the fact than is conveyed in a notice published in the Lokal Anzeiger to-day announcing that the performances of Arthur Nevin's grand opera "Poia," which had been advertised for April 27 and 30, would not take place.

It was telephoned to the press to-day that "Madame Butterfly" would be substituted. It was denied with great vehemence that the change was intended as a discrimination against the Americans.

It is likely that "Poia" will be presented at the gala performance when Col. Roosevelt attends the opera here.

HUGHES FOR SUPREME BENCH

Accepts Taft's Offer to Succeed the Late Justice Brewer.

ALBANY, April 25.—Gov. Charles E. Hughes has decided to accept President Taft's appointment as Associate Justice of the United States Supreme Court in preference to returning to the practice of law in New York city on January 1 next. Gov. Hughes is on record not only in favor of President Taft succeeding himself but against the Governor himself accepting a third nomination, on the ground that his personal fortune will not stand any further drain of public office.

The salary of Governor is \$10,000 and that of a United States Supreme Court Justice \$12,500. The latter salary is to be increased shortly to \$17,500. Gov. Hughes feels that in accepting this life appointment from President Taft he will be able to live within his income and save some money, as the position will not entail any material social obligations or expenditures.

As Gov. Hughes will ascend the Supreme Court bench in Washington at the beginning of the second week in October he will not be a factor in next fall's campaign in New York State, nor will he participate in it in any way. When Gov. Hughes resigns in October he will be succeeded as Governor by Lieut.-Gov. Horace White of Syracuse, who will act as Governor until January 1 next.

The news that Gov. Hughes had accepted President Taft's appointment came with some surprise to his friends, who were always mindful that the Governor felt \$10,000 a year was hardly enough for a Governor to live on and who did not believe he would accept any other kind of a place which paid him only \$2,500 more, not even a place on the United States Supreme Court bench. They have felt all along that he would be compelled to run again for Governor.

To the rank and file of the Republican organization in this State, who voiced their sentiments more freely to-night than has been done in four years, the decision of Gov. Hughes to go upon the bench of the highest tribunal in the country was welcome news. Some of the Hughes speeches that were booked for the support of the next Republican candidate for Governor may be missed, but it was the general opinion among the party leaders that the Governor had not only suited himself but had pleased a large number of his friends and practically all of his enemies by getting out of the political situation in this State.

To his friends who were curious to know why he would go to Washington for the judicial office and not go back to the practice of law in New York city the Governor made it plain that he was not anxious to make money. He wanted to get out of the excitement of public life. He is sick and tired of being Governor of this State, doesn't want to go to the United States Senate, doesn't want to go down to New York and run a law office and have to be bothered building up a practice again and other attending annoyances which the Governor believes would follow him for a long time, at least into private life. The Governor believes the salary of Justice of the United States Supreme Court will be increased to \$17,500, and with that and the life tenure in office he will be satisfied.

Even since Gov. Hughes has been in office in Albany he has given 12 o'clock and 5 o'clock conferences to the newspaper men. He is always genial but seldom talks for publication, and it is an open secret among the newspaper men that the Governor's faculty for "selling up" inquirers with confidential information has often resulted in many newspaper men leaving the Governor with less news than they had when they got to him. The Governor appeared to appreciate this fact keenly to-day and smiled. He declined to discuss for publication his acceptance of President Taft's offer but made it plain just how he felt about it. The Governor improved his friends about the Capitol as having had a great burden lifted from his shoulders. He seemed to be glad that he could get out of the political atmosphere.

Gov. Hughes was besieged with newspaper men when the Washington report of his acceptance of the President's tender of the nomination of the Judgeship was received at the Capitol. The Governor, however, declined to talk for quotation, only making it apparent that he had given the offer of the President deep and most thoughtful consideration. The Governor is profoundly impressed with the tremendous responsibilities of the position he has agreed to assume and considers

BERNADA COMET CRAZY.
Early Rising Added to the Other Health
Stunts Down There.

Bermuda is comet crazy and every morning hundreds go out to the Glips Hill lighthouse and spend several hours before dawn scanning the eastern horizon with telescopes, marine and opera glasses and other glasses with less magnifying power unless taken internally. Nobody has seen the comet up to the time the Protova, which got here yesterday, sailed as the fog had been thick in the morning for several days.

Gen. Henry Sumner to Washington.
WASHINGTON, April 25.—Secretary of the Treasury MacVeagh has summoned Gen. Henry from Albany to talk over his candidacy for Surveyor of the Port of New York. Gen. Henry will confer with the Secretary of the Treasury to-morrow.

Gen. Henry's name has been urged before the President by Senator Root and the President is inclined to appoint him. It is understood that the Secretary of the Treasury objected at one time to the appointment, but Mr. MacVeagh probably will join in a favorable recommendation, in which event Gen. Henry will get the post.

Metwartz Not Guilty.
RIVERHEAD, L. I., April 25.—After the State had finished presenting its evidence to-day against Augustus Metwartz, on trial for killing Irving J. Nelson, Justice Putnam instructed the jury to bring in a verdict of acquittal on the ground that the prosecution had not proved its case beyond a reasonable doubt.

BAGY LIONESSE FOR THE PARK.
Dog Faced Baboon Too, but It May Not
Stay in Wynton's African Bag.

G. M. Wynton, of 37 Wall street, who returned from Africa last week, went to Central Park yesterday with a lion cub and a young dog faced baboon which he brought with him from the African jungles. He wished to present the lion cub to the city. The dog faced baboon had intended to give to a friend in Denver, but he may change his mind and leave it permanently in the menagerie.

The young lion is a female named Helen. It is six months old and as sociable as a young dog except when it is hungry, when it snarls but does not bite. It has been brought up on the bottle and is in good condition. When turned loose in the menagerie Helen ran around Head Keeper Snyder's legs and then tried to climb up his overalls, but the cloth ripped and she got a tumble.

"Oh, the animals like me all right. Here's one just from Africa wants to get up and kiss me. Don't you, Helen?" said the head keeper. He discovered a moment later that Helen was after her milk bottle. She kept up her crying until the bottle was produced.

She will be on exhibition in the lion house to-day.

FOOTPADS IN CENTRAL PARK.

Two With a Gun Rob W. J. Derby, Beat Him and Run Away.

Two men held up and robbed W. J. Derby of 100 Third Avenue in Central Park at West Seventy-second street last night. One of the highwaymen held a revolver at his face while the other took \$5. They then punched Derby around the ground. Derby managed to get to the Arsenal police station, where he told his story.

DESPERATE PRISON MUTINY.
Two Convicts Killed, One Mortally
Wounded and Another Shot.

CANON CITY, Col., April 25.—A desperate attempt at a penitentiary delivery was made to-night, but after two convicts had been killed, one mortally and one seriously wounded the outbreak was controlled.

Every man in the city was called upon to arm himself and hurry to the prison. When the mutineers were told that the prison was surrounded by hundreds of armed men and they would all be shot down if necessary they gave up and were locked in their cells.

WHERE TO TAKE LUNCH.
And drink the Mellowest of American wines.
N. Y. Brewery & Dist. Co., 115 Fulton St., New York.